

AMENDED IN ASSEMBLY APRIL 7, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1824**

---

**Introduced by Assembly Member Monning**

February 11, 2010

---

An act to amend ~~Sections 25210 and 25210.1~~ *Section 25210* of the Health and Safety Code, relating to hazardous materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 1824, as amended, Monning. Hazardous materials: ~~nonbiodegradable toxic chemicals.~~ *chemicals: sewage systems.*

(1) The Hazardous Waste Control Law prohibits the use of a nonbiodegradable toxic chemical in a chemical toilet, recreational vehicle, or waste facility of a vessel and the sale of a nonbiodegradable toxic chemical in a container indicating that the chemical could be used in a chemical toilet, waste facility of a recreational vehicle, or waste facility of a vessel. ~~The hazardous waste control law prohibits the use of halocarbon chemicals and aromatic hydrocarbon chemicals for cleaning or unclogging a sewage disposal system and prohibits the sale of products containing these chemicals in containers that indicate the products may be used for those purposes.~~ A violation of the hazardous waste control law is a crime.

This bill would ~~include certain organic chemicals as a nonbiodegradable toxic chemical for the purposes of the above prohibitions~~ *additionally prohibit the use and sale of a chemical that is detrimental to a sewage disposal system for those purposes. The bill would list those chemicals that are detrimental to a sewage disposal system and would authorize the department to adopt regulations that identify additional chemicals determined to be detrimental to a sewage*

*disposal system.* Because the bill would include ~~specific chemicals as nonbiodegradable toxic chemicals subject to~~ *additional chemicals in the above prohibition against sale or use*, this bill would enlarge the scope of a crime, thereby imposing a state-mandated local program.

(2) ~~The Hazardous Waste Control Law prohibits the use of halocarbon chemicals and aromatic hydrocarbon chemicals for cleaning or unclogging a sewage disposal system and prohibits the sale of products containing these chemicals in containers that indicate the products may be used for those purposes.~~

~~This bill would include nonbiodegradable toxic chemicals for the purposes of the above prohibitions and would therefore create a new crime, thereby imposing a state-mandated local program.~~

~~(3)~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 25210 of the Health and Safety Code is  
2 amended to read:

3 ~~25210. It shall be unlawful to use a nonbiodegradable toxic~~  
4 ~~chemical in a chemical toilet, recreational vehicle, or waste facility~~  
5 ~~of a vessel as the term vessel is defined in the Harbors and~~  
6 ~~Navigation Code, and it shall be unlawful to sell a~~  
7 ~~nonbiodegradable toxic chemical in a container that indicates that~~  
8 ~~the chemical could be used in a chemical toilet, a waste facility of~~  
9 ~~a recreational vehicle, or a waste facility of a vessel as the term~~  
10 ~~vessel is defined in the Harbors and Navigation Code. The~~  
11 ~~department shall develop and adopt regulations to define~~  
12 ~~nonbiodegradable toxic chemicals consistent with Section 25210.1~~  
13 ~~and that limit the sale of nonbiodegradable toxic chemicals~~  
14 ~~consistent with this section.~~

15 ~~25210. (a) (1) A person shall not use a nonbiodegradable~~  
16 ~~toxic chemical or a chemical that is detrimental to a sewage~~  
17 ~~disposal system in a chemical toilet, a recreational vehicle, or a~~

1 waste facility of a vessel, as defined in Section 651 of the Harbors  
2 and Navigation Code.

3 (2) A person shall not sell a nonbiodegradable toxic chemical  
4 or a chemical that is detrimental to a sewage disposal system in  
5 a container that indicates that the chemical could be used in a  
6 chemical toilet, a waste facility of a recreational vehicle, or a  
7 waste facility of a vessel, as defined in Section 651 of the Harbors  
8 and Navigation Code.

9 (3) The department shall develop and adopt regulations to define  
10 nonbiodegradable toxic chemicals.

11 (b) For purposes of this section, a chemical that is detrimental  
12 to a sewage disposal system means either of the following:

13 (1) Any of the following chemicals:

14 (A) 2-bromo-2-nitropropane-1,3-diol, commonly known as  
15 bronopol.

16 (B) 1-(3-chlorallyl)-3,5,7-triaza-1-azoniaadamantane chloride,  
17 commonly known as dowicil.

18 (C) Formaldehyde.

19 (D) Glutaraldehyde.

20 (E) Para-formaldehyde.

21 (F) Para-dichlorobenzene.

22 (2) (A) In addition to the chemicals specified in paragraph (1),  
23 a chemical identified by the department as being detrimental to a  
24 sewage disposal system, in regulations that may be adopted by the  
25 department.

26 (B) For purposes of this section, "sewage disposal system" has  
27 the same meaning as defined in paragraph (3) of subdivision (a)  
28 of Section 25210.1.

29 (c) The regulations adopted by the department pursuant to  
30 paragraph (2) of subdivision (b) may limit or prohibit the use or  
31 sale of a chemical detrimental to a sewage disposal system in a  
32 product used for a chemical toilet, a recreational vehicle, or a  
33 waste facility of a vessel, as defined in Section 651 of the Harbors  
34 and Navigation Code.

35 ~~SEC. 2. Section 25210.1 of the Health and Safety Code is~~  
36 ~~amended to read:~~

37 ~~25210.1. (a) For purposes of this section, the following~~  
38 ~~definitions shall apply:~~

39 ~~(1) "Aromatic hydrocarbon chemicals" means chemical~~  
40 ~~compounds containing carbon and hydrogen and at least one~~

1 six-carbon ring containing double bonds, including, but not limited  
2 to, benzene, toluene, and naphthalene.

3 (2) ~~“Halocarbon chemicals” means chemical compounds that~~  
4 ~~contain carbon and one or more halogens, and that may include~~  
5 ~~hydrogen, including, but not limited to, trichloroethane,~~  
6 ~~tetrachloroethylene, methylene chloride, halogenated benzenes,~~  
7 ~~and carbon tetrachloride.~~

8 (3) ~~“Nonbiodegradable toxic chemicals” include, but are not~~  
9 ~~limited to, any of the following:~~

10 (A) ~~2-bromo-2-nitropropane-1,3-diol, commonly known as~~  
11 ~~bronopol.~~

12 (B) ~~1-(3-chlorallyl)-3,5,7-triaza-1-azoniaadamantane chloride,~~  
13 ~~commonly known as dowicil.~~

14 (C) ~~Formaldehyde.~~

15 (D) ~~Glutaraldehyde.~~

16 (E) ~~Paraformaldehyde.~~

17 (F) ~~Para-dichlorobenzene.~~

18 (4) ~~“Sewage disposal system” means a septic tank, cesspool,~~  
19 ~~sewage seepage pit, leachline, or other structure into which sewage~~  
20 ~~is drained for purposes of disposal and which is not connected to~~  
21 ~~a municipal treatment works.~~

22 (b) ~~A person shall not use a product containing halocarbon~~  
23 ~~chemicals, aromatic hydrocarbon chemicals, or nonbiodegradable~~  
24 ~~toxic chemicals for the purposes of cleaning or unclogging a~~  
25 ~~sewage disposal system.~~

26 (c) ~~A person shall not sell a product containing halocarbon~~  
27 ~~chemicals, aromatic hydrocarbon chemicals, or nonbiodegradable~~  
28 ~~toxic chemicals in a container that indicates that the product may~~  
29 ~~be used for the purposes of cleaning or unclogging a sewage~~  
30 ~~disposal system. The department may adopt regulations regarding~~  
31 ~~the sales of these products for the purposes of this subdivision.~~

32 ~~SEC. 3.~~

33 *SEC. 2.* No reimbursement is required by this act pursuant to  
34 Section 6 of Article XIII B of the California Constitution because  
35 the only costs that may be incurred by a local agency or school  
36 district will be incurred because this act creates a new crime or  
37 infraction, eliminates a crime or infraction, or changes the penalty  
38 for a crime or infraction, within the meaning of Section 17556 of  
39 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California  
2 Constitution.

O